



City of Middletown
Department of Land Use

245 deKoven Drive
Middletown, CT 06457
(860)638-4590
www.MiddletownCT.gov

CONNECTICUT GENERAL STATUTES
§ 8-24
MUNICIPAL IMPROVEMENTS APPLICATION

Location Information

Project Location or Address: Westlake Drive + East Street
Map: 05 Lot: 0021 Parcel ID: 12068 Zone: IM Lot Area: 74.3 ac
05 0022 12067
05 0029 12069

Applicant Information

Name: Marek Kozikowski Department: Land Use
Street Address: 245 deKoven Dr City: Middletown ST: CT Zip: 06457
Email: marek.kozikowski@middletownct.gov Phone: 860-638-4595
Signature: [Signature] Date: 9/3/2021
Authorization: [Signature] Date: 9/3/21

Description of Project: Acquire 74.3 ac of land from
Brownstone Florine Management LP for
open space and passive recreation

If more space is needed, then please provide separate narrative document.

Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

To be completed by Land Use Staff only:

Received by: [Signature]

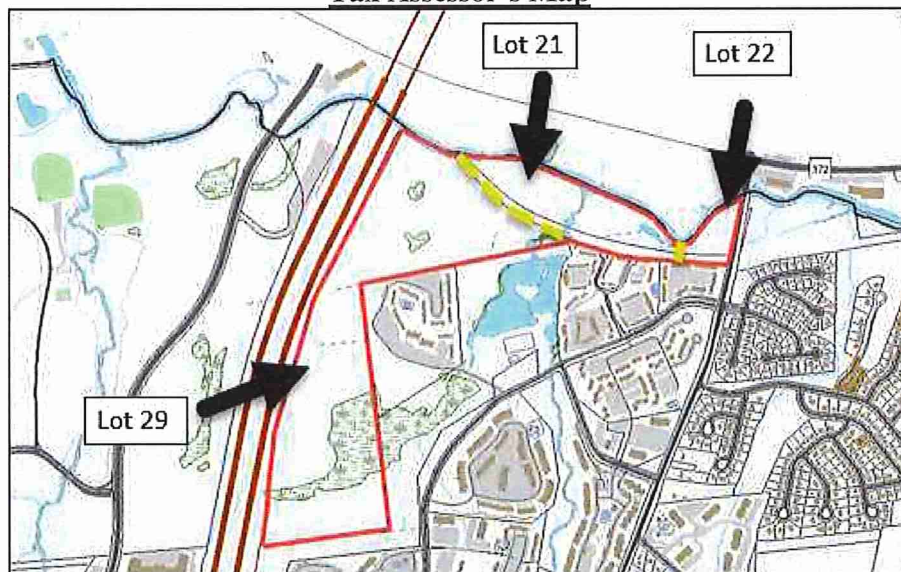
Application # 658-24 2021-22

PART II - FACTUAL DATA / Before Acquisition

PROPERTY DATA OVERVIEW

Legal Description	A legal description of the property is recorded in a Quitclaim deed dated March 10, 2003 and recorded in Volume 1359, at Page 692 of the Middletown Land Records. A copy is included in the Addenda.
Property Address	East Street, Map 5, Lots 21, 22, & 29, Middletown, Connecticut
Tax Map Reference	Tax Assessor's Map 5, Lots 21, 22, & 29
Property Type	Undeveloped land
Zone	IM – Interstate Mixed Use
Land Area	Lot 21 – 10.3 +/- Acres Lot 22 – 3.8 +/- Acres <u>Lot 29 – 60.2 +/- Acres</u> Total – 74.3 +/- Acres
Owner of Record	Brownstone Florone Management LP, see Volume 1359, Page 692.
Sales History (10 years)	The last transfer of the subject property occurred on March 10, 2003 with no consideration paid. This transfer does not provide acceptable evidence of value under current market conditions.
Listing or Contract for Sale	The subject was not listed nor under contract for sale as of January 14, 2021.
Use History	The subject property has never been developed. In 1995, the property was purchased by John Kunigenas. The intent of the purchase was to develop the land for Aetna Inc., who was interested in having a building in Middletown. However, Aetna never moved forward with the development on this site. The property was then conveyed to John Kunigenas' son, Michael Kunigenas, who is a general partner of Brownstone Florone Management LP, the current property owner.

Tax Assessor's Map



PART II - FACTUAL DATA / Before Acquisition

COMMUNITY DATA (Continued)

Value Trends, Continued This is a 16.8% price growth over the 3-year period ($\$254,469 - \$217,887 = \$36,582 / \$217,887 = 0.168$), or a 5.6% annual increase ($16.8\% / 3 \text{ years} = 5.6\%$). The number of days on the market also fluctuates month-to-month and year-to-year, but overall has been consistent. The increase in prices is primarily being fueled by the increase in demand caused by lower mortgage interest rates and a decline in the available inventory of houses. The City of Middletown's Planning, Conservation, & Development office is aware prices are increasing and available inventory is declining. As a result, they are working on several options to mitigate this concern, one of which is revising zoning by changing the Planned Residential Development (PRD) zones to one of the existing traditional residential zones. This is expected to increase flexibility within the regulations in order to enhance feasible development options for investors; thus, promoting growth within the community.

Conclusion Middletown is a mature community that has good access to the highway. Both the residential and commercial markets within the city are considered to be active. The steady demand and decline in existing available properties have generally placed upward pressure on residential property values over the past few years. Though the rate of growth may slow with the general economy, all indications are that demand for residential and commercial property in Middletown will continue.

NEIGHBORHOOD DATA

The appraised property consists of an assemblage of 3 contiguous parcels that total 74.3 +/- acres. They are located along and off the westerly side of East Street in the City of Middletown, Connecticut. The property is located in the northern section of town near the Middletown-Cromwell town line. Abutting properties include the Mattabesset River to the north, residential dwellings, and undeveloped land to the east, Interstate 91 to the west and residential buildings including Hunter's Crossing Apartments and Ridgefield Apartments, to the south and east of Lot 29. Northerly of the Mattabesset River is a commercial area in Cromwell built up along Route 372 where such retailers as Lowe's, Webster Bank, Sunoco Gas Station, a car wash, and a Quality Inn are located. The land use pattern of the neighborhood in Middletown mainly consists of residential dwellings and, in general, properties in the area are maintained in average to good condition. The traffic count is 13,600 on East Street. The high traffic count is a result of the location of the subject, which is near the intersection of Route 217 and Route 372 and in close proximity to Interstate 91. Overall, the open space use of the subject property, with the potential for one house lot, conforms with the land use pattern of the neighborhood, as it acts as a buffer between the commercial and residential development as well as provides a wildlife corridor along the Mattabesset River.



PART II - FACTUAL DATA / Before Acquisition

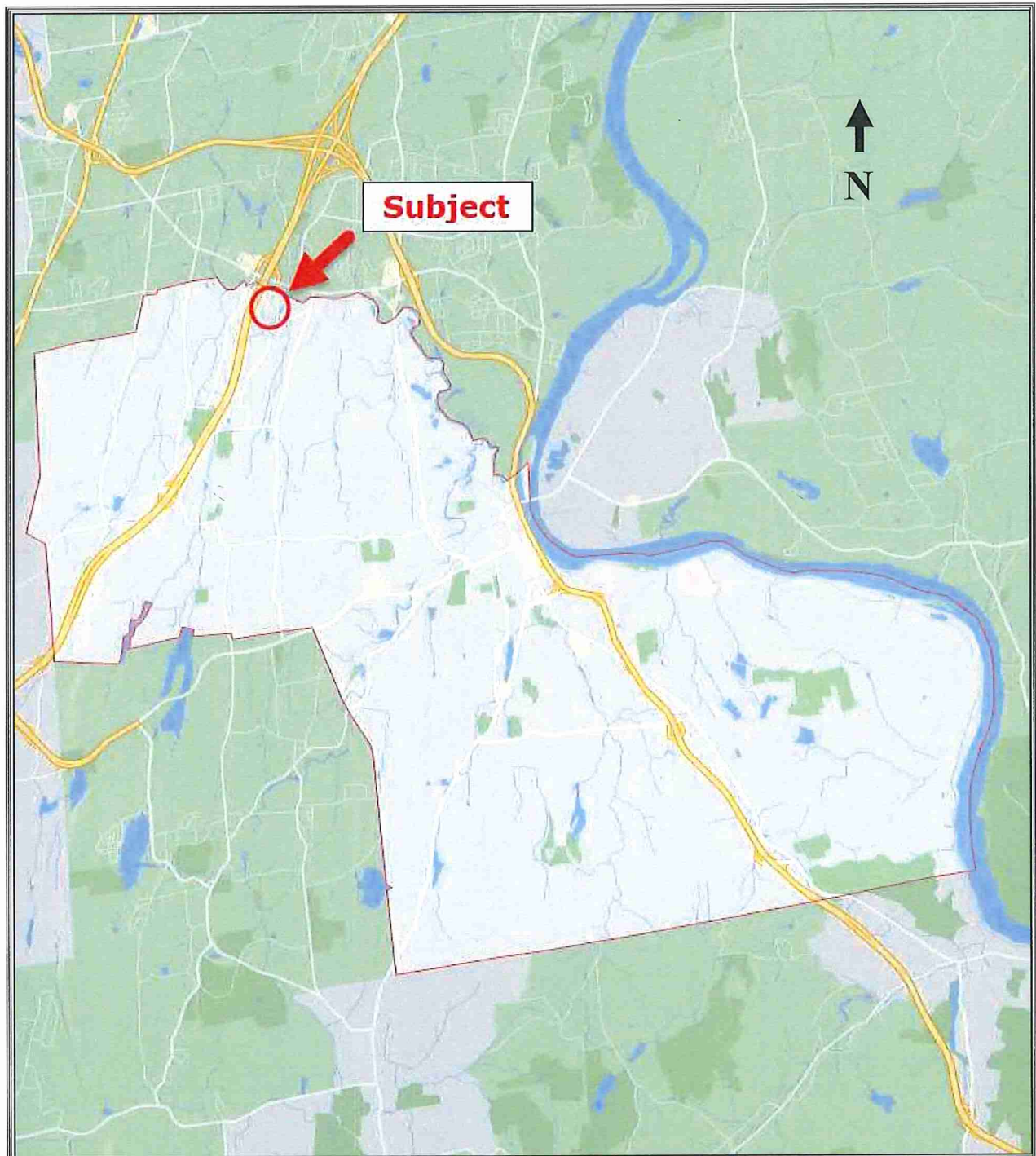
NEIGHBORHOOD LAND USE PATTERN



Extracted from Google-Earth Using Snag-it / Not to Scale.

PART II - FACTUAL DATA / Before Acquisition

NEIGHBORHOOD LOCATION MAP



Not to Scale

PART II - FACTUAL DATA / Before Acquisition

ZONING

Zoning

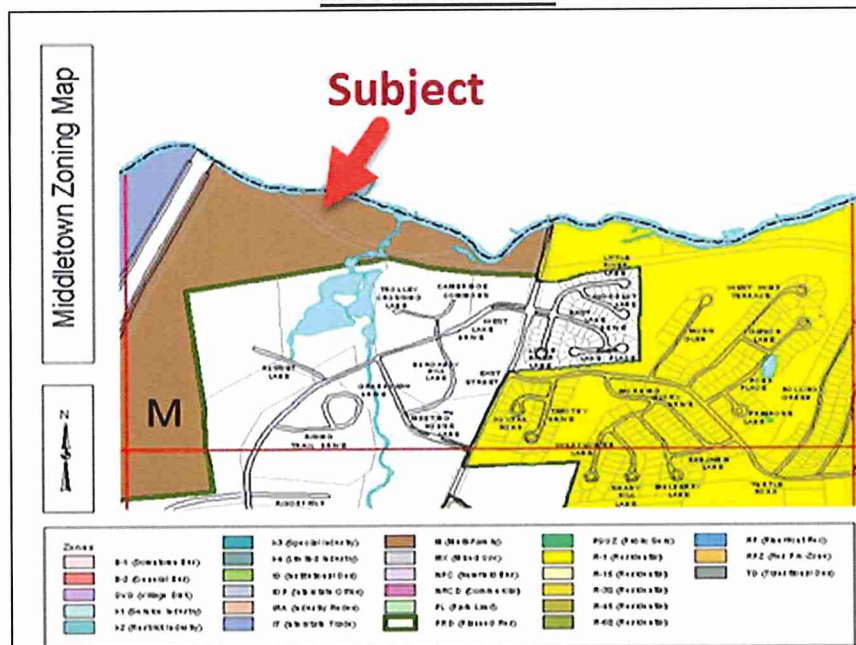
Classification: IM – Interstate Mixed-Use Zone

Permitted Uses: Permitted uses in the IM zone include the development of business and professional offices and multifamily residences with the retention of open spaces and preservation of the natural features of the area. The zone shall be limited to property which has at least 50 acres of contiguous land and which abuts an interstate highway. Special exception uses shall be multifamily residential development, not exceeding 250 dwelling units.

Dimensional Requirements	Required	Provided
Minimum Lot Area	87,120 SF	3,236,508 +/- SF
Minimum Lot Width	200 feet	Not Applicable
Minimum Front Yard	75 feet	Not Applicable
Minimum Side Yard	20 feet	Not Applicable
Minimum Rear Yard	25 feet	Not Applicable
Maximum Impervious Coverage	60%	Not Applicable
Maximum Building Height	100 feet, or 8 stories	Not Applicable

Compliance: Since the property remains undeveloped, there are no improvements to comply with the zoning regulations. The *Extraordinary Assumption* is made that there is 0.35 +/- acres of land along the East Street frontage to subdivide into one residential lot. As a result, this subject area would need to be changed to a residential zone. An *Extraordinary Assumption* is made that the City of Middletown would approve a zoning change to Lot 22 and allow a lot split in conformance with zoning.

ZONING MAP



PART II - FACTUAL DATA / Before Acquisition

SITE DESCRIPTION AND ANALYSIS

GENERAL AND PHYSICAL CHARACTERISTICS: East Street, Middletown, Connecticut
Tax Assessor's Map 3, Lots 21, 22, & 29

Land Area	Lot 21: 10.3 +/- acres or 448,668 +/- SF Lot 22: 3.8 +/- acres or 165,528 +/- SF Lot 29: 60.2 +/- acres or 2,622,312 +/- SF
Street Frontage	Lot 22 has 470 +/- feet of frontage on the westerly side of East Street.
River Frontage	3,100 +/- feet of frontage along the Mattabesset River
Depth	3,000 +/- feet
Data Source	Middletown, Connecticut GIS
Shape	Irregular
Topography	The topography of the parcels is level, with inclining slopes of +/- 24% at the southerly point of Lot 29.
Soils	The subject consists of various soil types. A soil map is provided on the following page. The subject property is outlined in red.
Wetlands	Among the three parcels there is 7.88 +/- acres of wetlands.
Flood Zone	Community Panel: 09007C0102G FIRM Date: August 28, 2008 Flood Zone: X500 The majority of the parcels are located in a 100-year flood prone area. Surrounding is a 500-year flood prone area. The center area of Lot 29 is not prone to flooding. There is no direct access to this section without crossing wetlands or a flood zone. The flood map is provided on page 26.
Access	Via East Street
View	None that is value contributing.
Easements and Restrictions	An easement is recorded in Volume 476, Page 61 of the Middletown Land Records. This easement provides a 2,400 +/- ft long, 57 +/- ft wide easement from East Street to a center point of the Mattabesset River, also referred to as Little River. The easement contains 3.16 +/- acres and is located north of Lot 29 and south of Lots 21 and 22. The easement provides the right for all purposes to go, return, pass, and repass, with vehicles of all kinds along and over the premises. This area is used for the Middletown walking trail; thus, it is highly unlikely it could ever be improved with an access road to the subject parcels. The easement was conveyed from Sawmill Brook Racing Association to the City of Middletown on December 7, 1976. Map 654-3 of the Middletown Land Records shows the location of the easement. Map 654-3 is provided on page 27. The easement area is also shown on numerous maps recorded in the Middletown Land Records, along with the Middletown GIS.



PART II - FACTUAL DATA / Before Acquisition

SITE DESCRIPTION AND ANALYSIS (continued)

SITE IMPROVEMENTS:

Curb-cuts There are two curb cuts on East Street.

Parking There are no site improvements.

Other Map 654-3 shows the 3.16 +/- acre easement that extends from East Street to the Mattabesset River, also referred to as “Little River”. The easement is outlined with the yellow dashed line as explained on page 27. The center portion of this easement is used for the Middletown walking trail.

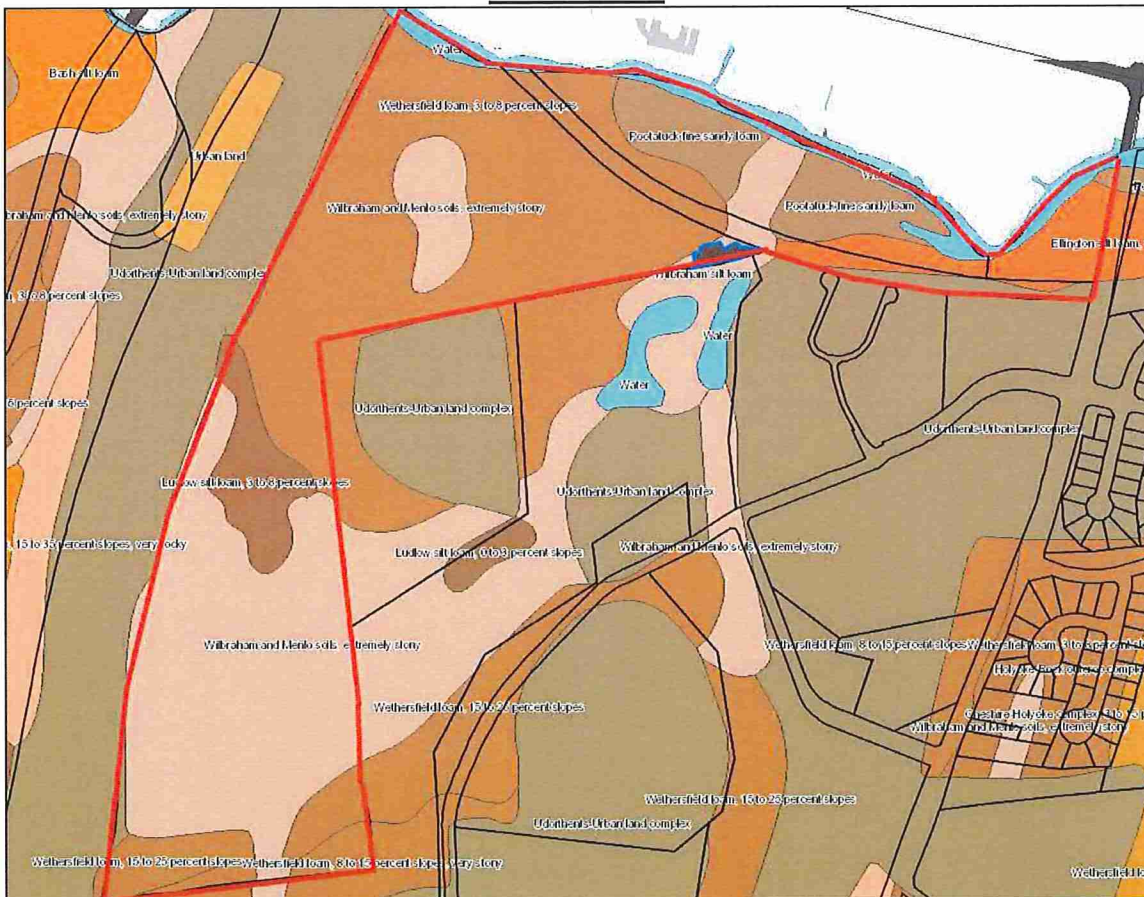
STREET IMPROVEMENTS:

East Street is a paved and town-maintained street.

UTILITIES CONNECTED:

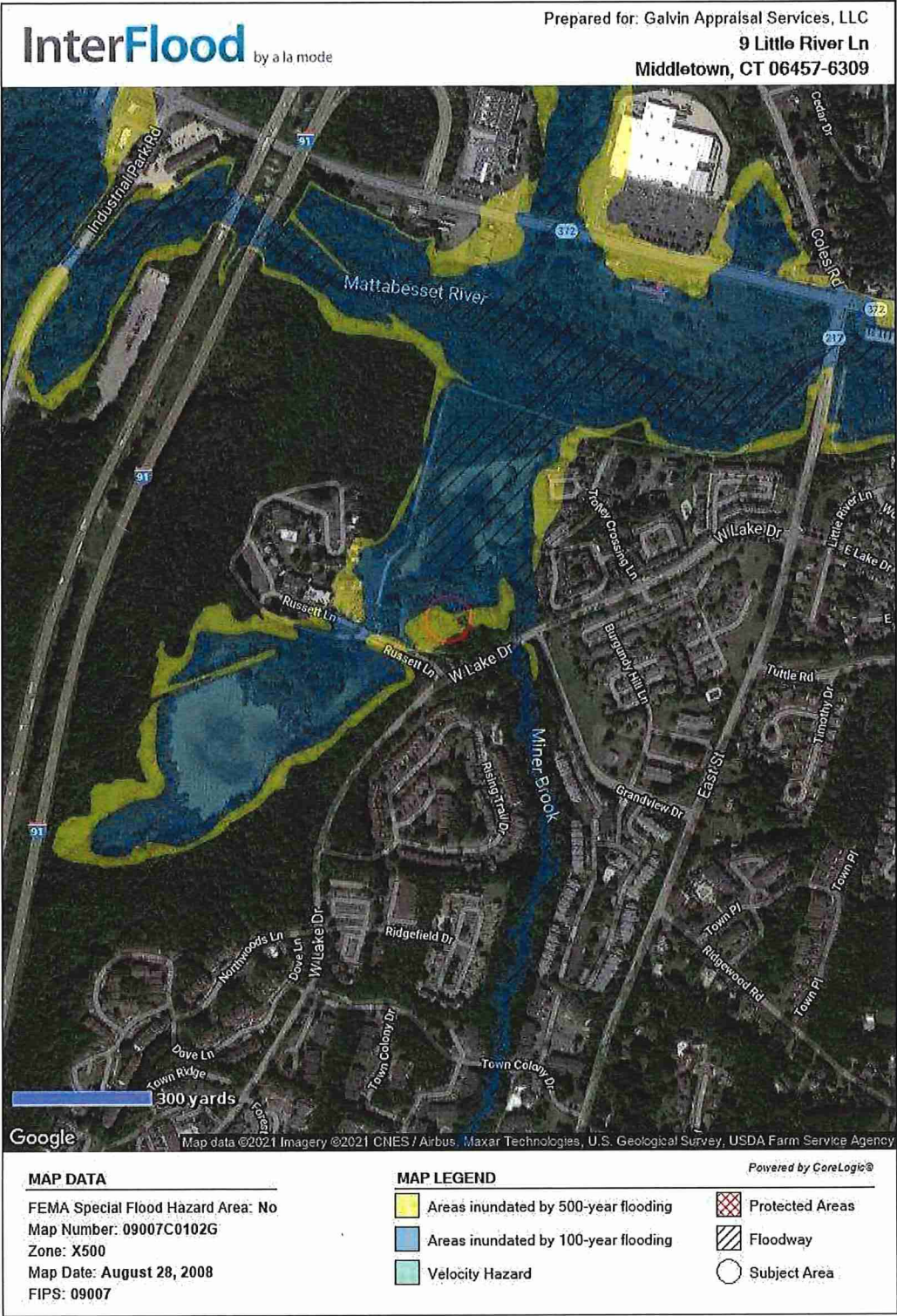
Water - No; Sewer – No; Gas - No; Electricity - No; Phone - No; CATV –No. Utilities are available in East Street.

SOIL MAP



PART II - FACTUAL DATA / Before Acquisition

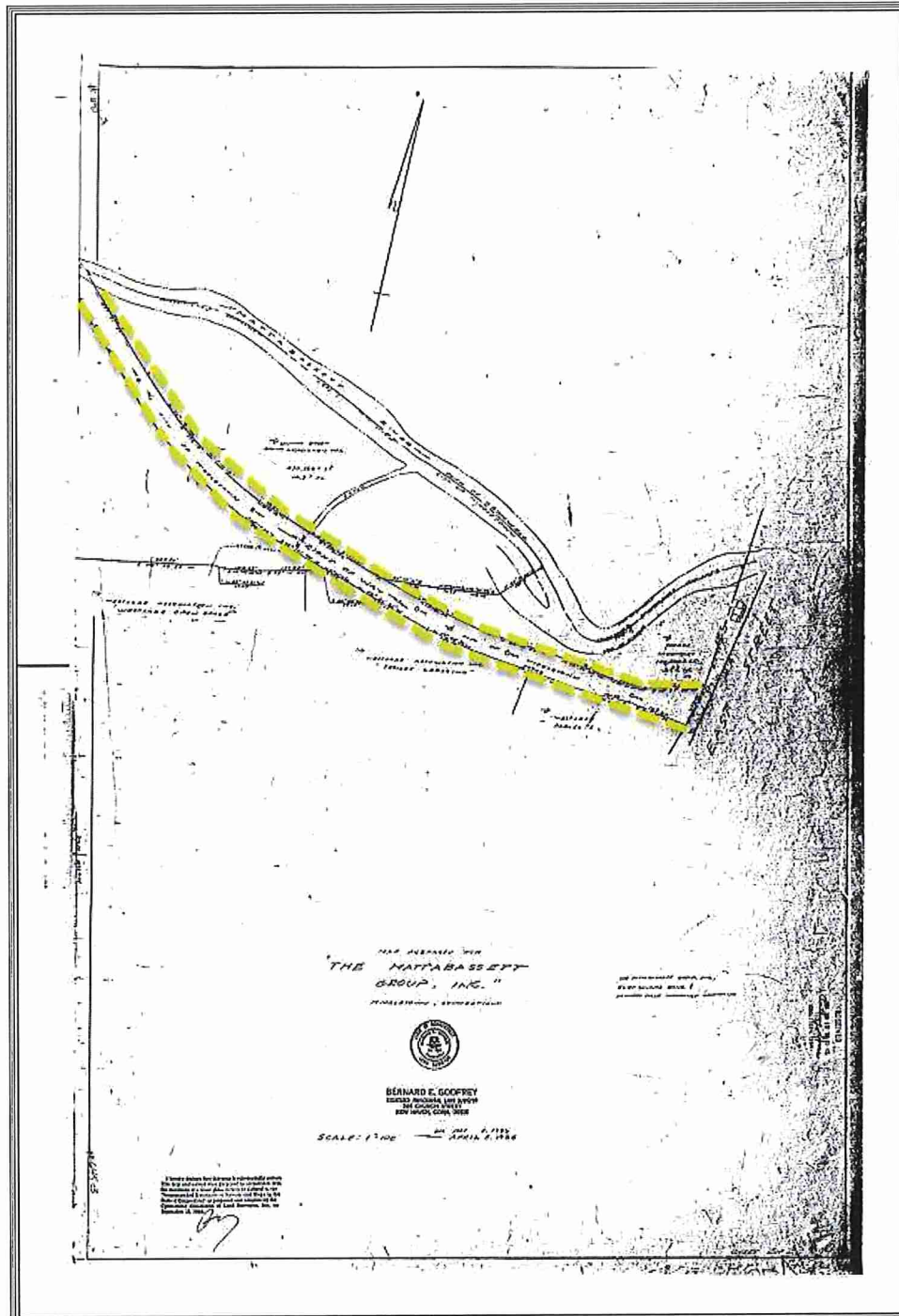
FLOOD MAP



PART II - FACTUAL DATA / Before Acquisition

MAP 654-3

Map 654-3 shows the 3.16 +/- acre easement that extends from East Street to the Mattabesset River, also referred to as "Little River". The easement is outlined with the yellow dashed line as explained on page 24. The middle portion of this easement is used for the Middletown walking trail.



PART III - DATA ANALYSIS AND CONCLUSIONS – Before Acquisition

HIGHEST AND BEST USE

Real estate is valued in terms of its highest and best use. Highest and best use is defined as:

“The highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future.”

Source: Uniform Appraisal Standards for Federal Land Acquisitions
Sixth Edition, 2016; Page 22

An analysis of highest and best use may be conducted for unimproved land or for a property with existing or proposed improvements. As market conditions change, the highest and best use of land may be affected. Changes in market conditions as well as changes in utility due to physical deterioration may affect the ability of existing improvements to satisfy current demand. Where improved properties are appraised, the highest and best use of the land, as though vacant, is considered separately from the highest and best use of the property, as improved. This procedure is used to determine if the actual or proposed use of a property is consistent with its highest and best use as of the date of valuation. Whether vacant land or improved property is analyzed, the four basic categories of criteria provided in the above definition are considered sequentially in order to identify the use that returns the highest value.

SUBJECT PROPERTY AS VACANT:

Legally Permissible: Legal restrictions, where they affect the use and value of a property, pertain to municipal zoning codes and other land use regulations, and to easements and restrictive covenants of record.

Deed Restrictions: There are no legal restrictions of record that would significantly limit the use of the property.

Zoning: The subject property is zoned IM, Interstate Mixed Use, which permits business and professional offices and multi-family uses. An *Extraordinary Assumption* is made that the City of Middletown would approve a zoning change to R-1, Residential Zone, to permit the 0.35 +/- acre residential lot from the area that is not prone to flooding on Map 22.

Wetlands: There is a total of 7.88 +/- acres of wetlands among the three parcels. The location of the wetlands does not impact the highest and best use of the subject property.

Physically Possible: The physical capacity of a given site to support development is governed by factors such as accessibility, parcel size and shape, topography, wetlands, and soil composition. Off-site considerations such as utilities and paved roads also influence the development potential of land.

There are two curb cuts on East Street that could provide access to the 0.35 +/- acre residential lot. Lot 22 is located in a 100-year flood prone area. However, it is an *Extraordinary Assumption* of this appraisal there is development potential for one residential dwelling on 0.35 +/- acres of Lot 22 along the East Street frontage.



PART III - DATA ANALYSIS AND CONCLUSIONS – Before Acquisition

HIGHEST AND BEST USE (continued)

Financially Feasible: Improvement of the subject site with one residential lot would be financially feasible. The cost to get a subdivision approved would be returned through a sale of the property. There is an estimated total cost of \$15,000 to make the parcel developable. The value of the parcel after incurring these costs is still positive; therefore, subdividing one residential lot is financially feasible.

Maximally Productive: Maximum productivity refers to both the category and intensity of use. Given the physical characteristics of the site, legal constraints, financial feasibility, typical development densities of similar land, and patterns of land use in the local market area, the development of one residential lot use at a density of maximum allowed by zoning would produce a net return to the subject land consistent with other residential lots in the Middletown area.

Larger Parcel: The “larger parcel” can be described as all the property owned or controlled by the owner of the subject property. The Uniform Standards of Federal Land Acquisition require that the effect on the value of the land within the identified larger parcel” be considered. If it is determined that the sale of the subject rights / property being appraised has an impact on value of the “larger parcel”, all parcels involved must be included in the Before and After Analysis. If conveyance of the property rights / subject being appraised causes an increase in value of the “larger parcel” then this increase must be subtracted from the value of a damage award. If it creates a decrease than the amount must be added as damages.

For the subject, consideration was given to determine if the land possess a unity of ownership with surrounding parcels. The southerly abutting land, Map 5, Lot 26, is currently owned by the City of Middletown, but it also has not development potential. All of the surrounding land is within the same zone, has similar soil characteristics and is also subject to seasonal flooding. Given the characteristics of the land and use, even if the subject were conveyed to the someone other than the town, it is our opinion that there would be no added value or loss in value to the subject or any of the surrounding parcels. In summary, there will be no diminution from market value should the subject be sold or assembled with abutting land.

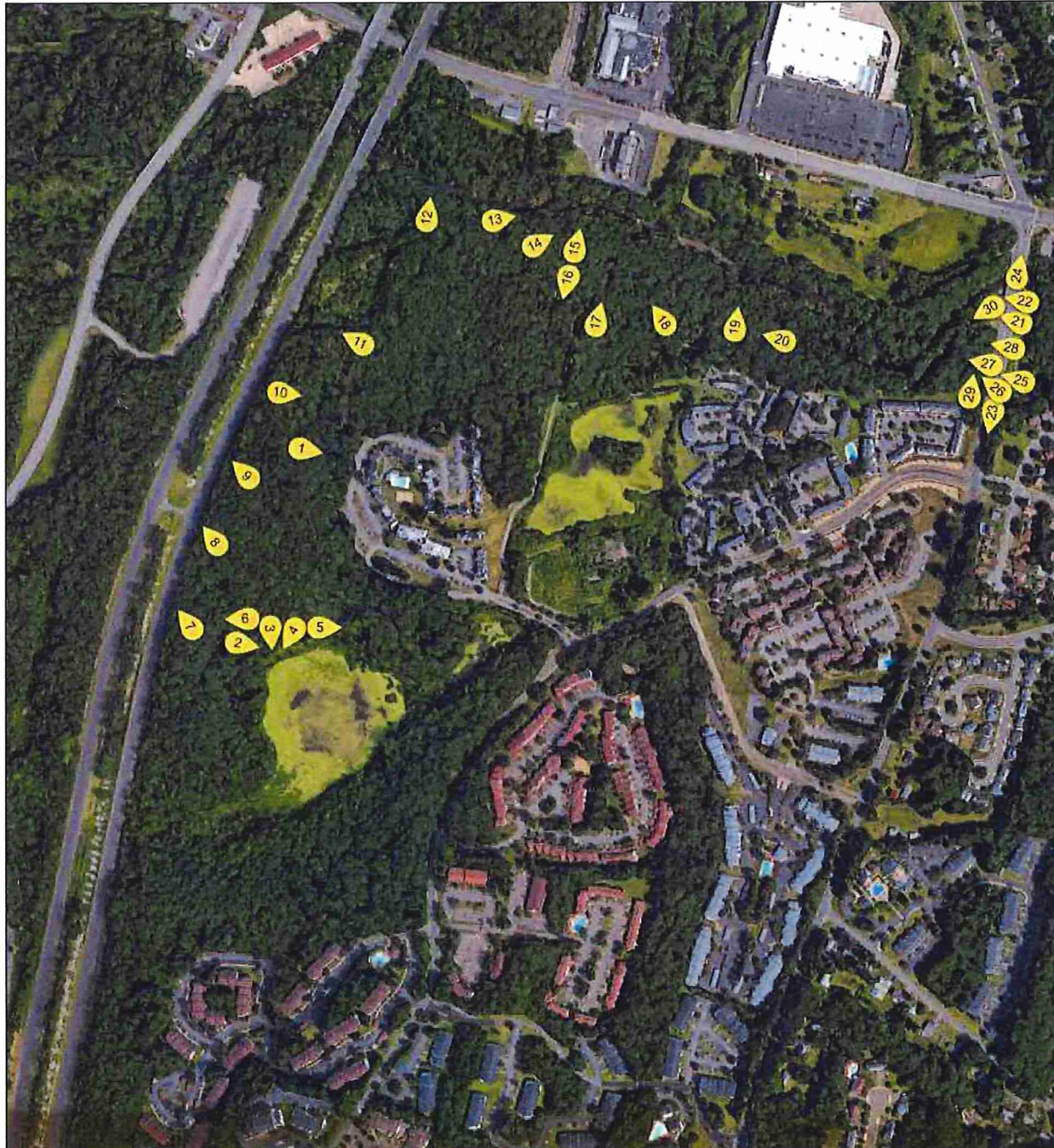
Conclusion: The highest and best use is to subdivide 0.35 +/- acres of Lot 22 for residential development and assemble the remaining 73.95 +/- acres for open space or sale to an abutting property owner. The use is legally permissible given the *Extraordinary Assumption* that the City of Middletown would approve the zoning change. The use would be financially feasible given the costs to improve the 0.35 +/- acre lot could be more than recaptured through a sale of the lot. The use is physically possible and conforms to the surrounding land use pattern. It is an *Extraordinary Assumption* of this report that there is adequate land that is not prone to flooding to support the development of one residential lot.



PART I – INTRODUCTION

LOCATION OF THE SUBJECT PROPERTY PHOTOGRAPHS

The picture provided below shows the location and direction of the photos taken by Zachary Burksa and John Galvin, MAI on January 14, 2021, the most recent date of inspection. The photos that begin on the following page are numbered in accordance with this picture.



PART I – INTRODUCTION

PHOTOGRAPHS OF THE SUBJECT PROPERTY



1. Looking southeasterly towards Hunter's Crossing



2. Wetlands on southerly section of Lot 29



3. Wetlands on southerly section of Lot 29



4. Wetlands on southerly section of Lot 29



5. Trail near wetlands leading easterly



6. Trail near wetlands leading westerly to I-91



PART I – INTRODUCTION

PHOTOGRAPHS OF THE SUBJECT PROPERTY



7. Metal fencing along westerly side of subject



8. Metal fencing on westerly side near I-91



9. Rising topography to I-91



10. Looking easterly from westerly side of subject



11. Wetlands on westerly side of parcel near I-91



12. Mattabesset River on the northerly side of subject



PART I – INTRODUCTION

PHOTOGRAPHS OF THE SUBJECT PROPERTY



13. Looking northeasterly at bridge over Mattabesset River



14. Looking northeasterly at bridge over Mattabesset River



15. Looking northerly at bridge from trail



16. Trail leading southerly from Mattabesset River



17. Looking northerly from paved trail



18. Looking northwesterly from paved trail

PART I – INTRODUCTION

PHOTOGRAPHS OF THE SUBJECT PROPERTY



19. Wetlands northerly of paved trail



20. Looking westerly on paved trail



21. Town of Middletown's sewage system



22. Paved trail continuing under Route 217.



23. Looking southerly on East Street



24. Looking northerly on East Street



PART I – INTRODUCTION

PHOTOGRAPHS OF THE SUBJECT PROPERTY



25. First curb cut on East Street



26. First curb cut on East Street.



27. Accessway from first curb cut on East St



28. Second curb cut on East Street.



29. Electrical transmitters on East Street near the curb cuts



30. Looking southwesterly at paved trail from East Street

